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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,664	01/06/2006	Wei-Chia Lee	10191/4091	2943

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EXAMINER	
MORTELL, JOHN F	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/563,664	**Applicant(s)** LEE ET AL.	
	Examiner JOHN F. MORTELL	**Art Unit** 2612	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612

Continuation of 11. does NOT place the application in condition for allowance because: Rejections under 35 U.S.C. § 102(e)
1. The applicants traverse the rejection of claims 10-13, 15, 16, 19, 20, and 28 under 35 U.S.C. § 102(e) as being anticipated by Tanaka (US PG Pub. 2003/0058337 A1) ("Tanaka").

Against the rejection of claim 10, the applicants argue that Tanaka does not identically disclose (nor even suggest) a driving zone but instead, merely refers to "an anticipated course of the one's own vehicle." The applicants argue that trace R of Fig. 1, on which Office Action relies, is referred to by the Tanaka reference as an "anticipated path." The applicants argue that even if the Tanaka reference did refer to a driver's anticipated path, nothing in the Tanaka reference identically discloses (nor even suggests) a driving zone -- outside of which the vehicle may collide, as provided for in the context of the presently claimed subject matter.

Regarding this argument against the rejection of claim 10, claim 10 recites, in relevant part, "a device for driving assistance for parallel parking a vehicle, comprising: ... wherein the parallel parking driving instructions provide a driver with a driving zone situated between two trajectories which are calculated in such a way that the vehicle can be moved within the driving zone." As cited in the Office Action, Tanaka discloses a display that depicts the anticipated course R of the vehicle. The anticipated course enables the driver to adjust the steering of the vehicle by comparison with a parking path S, which is depicted on the same display. ([0053]) Further explaining this aspect of the invention, Tanaka discloses that the system calculates the parking path S from the current position of the vehicle to the parking target point. ([0057]) Tanaka discloses that the calculated parking path S makes it possible for the driver "to grasp the relationship between relative positions to obstacles such as the forward parking vehicle 12, the backward parking vehicle 13, and the road shoulder edge 14." ([0057]) Tanaka discloses that the system calculates parking path S so as to avoid a collision with an obstacle. ([0058])

As depicted in FIG. 1, the parking path S includes left and right vehicle trajectory boundaries. The boundaries of parking path S define a zone of vehicle travel. As long as the vehicle travels within the boundaries of paring path S, the vehicle will avoid colliding with an obstacle.

The foregoing shows that Tanaka discloses a system that provides a parking path that defines a zone situated between two boundaries calculated in such a way that the vehicle can be moved within the zone, as recited by claim 10. Because Tanaka discloses all the limitations recited in claim 10, the rejection of claim 10 is not withdrawn. No basis existing for the withdrawal of the rejection of claim 10, no basis exists for the withdrawal of the rejection of claims 11-13, 15, 16, 19, and 20, which depend from claim 10.

Against the rejection of claim 10, the applicants further argue that it appears that the Final Rejection concedes that "Tanaka discloses a display that depicts the anticipated course R of the vehicle... Tanaka discloses that the system calculates parking path S so as to avoid a collision with an obstacle." The applicants agree Tanaka discloses an anticipated course and that the system calculates a parking path, but the applicants do not agree that the above assertions support the conclusion that "a parking path defines a zone situated between two boundaries." The applicants argue that Tanaka discusses an anticipated path -- and not a driving zone, and an anticipated path is wholly different from a zone.

Regarding this argument against the rejection of claim 10, the applicants base their argument on language quoted from the Final Rejection, but these quotations selectively omit portions of the text in which the quoted language is embedded, and these omissions convey an incorrect sense of the meaning of the quoted language. The Final Rejection states, in part, "Tanaka discloses a display that depicts the anticipated course R of the vehicle. The anticipated course enables the driver to adjust the steering of the vehicle by comparison with a parking path S, which is depicted on the same display … Tanaka discloses that the system calculates the parking path S from the current position of the vehicle to the parking target point. Tanaka discloses that the calculated parking path S makes it possible for the driver 'to grasp the relationship between relative positions to obstacles such as the forward parking vehicle 12, the backward parking vehicle 13, and the road shoulder edge 14.' Tanaka discloses that the system calculates parking path S so as to avoid a collision with an obstacle." (Emphasis added to identify the text omitted by the applicants.)

By omitting the bold, italicized portion of the above-quoted language of the Final Rejection, the applicants attempt to equate the anticipated course R with the parking path S, when the complete text quoted from the Final Rejection shows that Tanaka discloses the two as separate entities. As explained in the response to arguments in the Final Rejection, the parking path S includes left and right vehicle trajectory boundaries, which the system calculates so as to avoid a collision with an obstacle. Because the parking path S is calculated so as to avoid a collision with an obstacle, the boundaries of parking path S define a zone of vehicle travel within which the vehicle will avoid colliding with an obstacle as the vehicle moves into the parking space.

The foregoing shows that Tanaka explicitly discloses a driving zone, so the applicants' argument is not persuasive.

Against the rejection of claim 10, the applicants further argue that Office Actions to date essentially ignore the proper meaning of the term "zone" which is to be understood in view of the specification. The applicants argue that contrary to the law, the Final Rejection simply reflects its own unreasonable reading of the term "zone "' without even making a distinction with the term "path," as used in the specification. The applicants argue that a driving zone provides a driver more flexibility and safety. The applicants argue that a zone allows a driver to "arbitrarily drive and steer and thus select any trajectory between the two delimiting trajectories." The applicants argue that in stark contrast, in Tanaka, one must follow "an anticipated course calculated from a steering rudder angle." (Tanaka, page 1, paragraph [0009]) The applicants argue that the course R of Fig. 1, which the Final Rejection alleges to disclose a zone, is described by Tanaka as "an anticipated course R" which is "calculated based on the steering rudder angle ...." (Id., page 1, paragraph [0054]). The applicants argue that a driving zone, as provided in the context of the claimed subject matter, is not identically disclosed, nor suggested, by Tanaka.

Regarding this argument against the rejection of claim 10, the applicants argue that the Tanaka fails to show certain features of the applicants' invention, but the features upon which the applicants rely (i.e., features of a "zone") are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In particular, claim 10 recites, in relevant part, "a device for driving assistance for parallel parking a vehicle comprising: … wherein the parallel parking driving instructions provide a driver with a driving zone situated between two trajectories which are calculated in such a way that the vehicle can be moved within the driving zone." According to the plain language of claim 10, a driving zone is defined as the area "situated between two trajectories which are calculated in such a way that the vehicle can be moved within the driving zone."

As shown in the Final Rejection and stated above, Tanaka discloses a system that calculates a parking path S that

includes left and right vehicle trajectory boundaries, which the system calculates so as to avoid a collision with an obstacle. Because the parking path S is calculated so as to avoid a collision with an obstacle, the boundaries of parking path S define a zone of vehicle travel within which the vehicle will avoid colliding with an obstacle as the vehicle moves into the parking space.

In disclosing the parking path S, Tanaka discloses a driving zone situated between two trajectories, namely the area between the left and right boundaries of the parking path S. Tanaka further discloses that these two trajectories are calculated in such a way that the vehicle can be moved within the driving zone because the system calculates the left and right boundaries of the parking path S so as to avoid a collision with an obstacle as the vehicle moves into the parking space.

The foregoing shows that Tanaka discloses all the limitations recited in claim 10, so the applicants' argument is not persuasive.

Against the rejection of claims 11-13, 15, 16, 19, and 20, the applicants argue that because claim 10 is allowable, claims 11-13, 15, 16, 19, and 20, which depend from claim 10, are also allowable.

Regarding the argument against the rejection of claims 11-13, 15, 16, 19, and 20, all the arguments against the rejection of claim 10 have been rebutted above, so no basis exists for the withdrawal of the rejection of claim 10. There being no basis for the withdrawal of the rejection of claim 10, no basis exists for the withdrawal of the rejection of claims 11-13, 15, 16, 19, and 20.

Against the rejection of claim 28, the applicants argue that The Tanaka reference does not identically disclose (nor suggest) a driving range, as provided for in the context of the presently claimed subject matter, since at best, the Tanaka reference may merely refer to an anticipated path of the driver - and not a driving range.

Regarding this argument against the rejection of claim 28, Tanaka discloses a display that depicts the anticipated course R of the vehicle, as cited in the Final Rejection. The anticipated course enables the driver to adjust the steering of his vehicle by comparison with a parking path S, which is depicted on the same display. ([0053]) Further explaining this aspect of the invention, Tanaka discloses that the system calculates the parking path S from the current position of the vehicle to the parking target point. ([0057]) Tanaka discloses that the calculated parking path S makes it possible for the driver "to grasp the relationship between relative positions to obstacles such as the forward parking vehicle 12, the backward parking vehicle 13, and the road shoulder edge 14." ([0057]) Tanaka discloses that the system calculates parking path S so as to avoid a collision with an obstacle. ([0058])

As depicted in FIG. 1, the parking path S includes left and fight vehicle trajectory boundaries. The left and fight boundaries of the parking path S define a driving range. As long as the vehicle travels within the boundaries of parking path S, the vehicle will avoid colliding with an obstacle.

Against the rejection of claim 28, the applicants further argue that Tanaka does not identically disclose (nor suggest) the claim feature of two different determined routes. The applicants argue that in Tanaka, path S, as to every time it is used with respect to Figures 1 to 3, is described by Tanaka as a single parking path -- and not two different determined routes.

Regarding this argument against the rejection of claim 28, Tanaka discloses that the system calculates a parking path S from the current position of the vehicle to the parking target point and depicts the path S on a display. ([0057]) Tanaka discloses that the calculated parking path S makes it possible for the driver "to grasp the relationship between relative positions to obstacles such as the forward parking vehicle 12, the backward parking vehicle 13, and the road shoulder edge 14." ([0057]) Tanaka discloses that the system calculates parking path S so as to avoid a collision with an obstacle. ([0058])

As depicted in FIG. 1, parking path S includes left and right vehicle trajectory boundaries. The fact that Tanaka refers to parking path S in the singular is a matter of semantics that does not alter the fact that the parking path S includes left and right vehicle trajectory boundaries. The left and right boundaries of parking path S constitute two different determined routes, one on the left and one on the right. The left boundary of parking path S defines the leftmost route of vehicle travel, and the right boundary of parking path S defines the rightmost route of vehicle travel. As long as the vehicle moves within the boundaries of the left and right routes of parking path S, the vehicle will avoid colliding with an obstacle.

The foregoing shows that Tanaka discloses a system that outputs driving instructions to a driver, in the form of the display of parking path S, wherein the driving instructions indicate a driving range between two trajectories which designate two different determined routes, in the form of the left and right boundaries of parking path S, so that the vehicle is moveable to park within the driving range by moving within the boundaries of paring path S, as recited by claim 28.

Against the rejection of claims 10 and 28, the applicants argue that the Final Rejection may not ignore the reasonable interpretation of the terms "driving range" and "two different determined routes," as provided for in the context of the claimed subject matter -- and as would be understood by a person having ordinary skill in the art based on the specification.

Regarding the argument against the rejection of claims 10 and 28, the applicants do not specify in this argument how the Final Rejection has ignored the reasonable interpretation of the terms "driving range" and "two different determined routes" in the specification in the context of the claimed subject matter, so no specific response to this argument is possible.

The applicants' arguments regarding the interpretation of these terms in the rejection of claims 10 and 28 are tantamount to arguments that Tanaka fails to show certain features of the applicants' invention, but the features upon which the applicants rely (i.e., features of a "driving range" and "two different determined routes") are not recited in the rejected claims. The above rebuttals of the arguments against the rejection of claim 10 and claim 28 show that Tanaka discloses all the limitations recited in those claims, including limitations involving the terms "driving range" and "two different determined routes." Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For all of the foregoing reasons, the arguments against the rejection of claim 10 and claim 28 are not persuasive, and the rejection of claim 10 and claim 28 is not withdrawn.

Rejections under 35 U.S.C. § 103(a)

2. The applicants traverse the rejection of claims 14, 17, 18, 21-25, 27, 29, and 30 under 35 U.S.C. 103(a).

Against the rejection of claims 14, 17, 18, 21-25, 27, 29, and 30, the applicants argue that these claims ultimately depend from claim 10 and are therefore allowable for essentially the same reasons as claim 10, since the secondary reference does not cure -- and is not asserted to cure -- the critical deficiencies of the primary reference - which is not prior art as to the present application.

Regarding this argument against the rejection of claims 14, 17, 18, 21-25, 27, 29, and 30, all the arguments against the rejection of claim 10 have been rebutted above, so no basis exists for the withdrawal of the rejection of claim 10. There being no basis for the

withdrawal of the rejection of claim 10, no basis exists for withdrawal of claims 14, 17, 18, 21-25, 27, 29, and 30, which depend from claim 10.

Against all the rejections based on obviousness, the applicants traverse any Official Notice and request that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise.

Regarding this argument against all the rejections based on obviousness, the applicants have not identified a particular instance in which the Final Rejection includes an invocation of official notice, so no specific response to this argument is possible. The examiner is not aware of any invocation of official notice in the Final Rejection.

In Summary

For all of the foregoing reasons, the applicants' arguments against the rejection of claims 10-30 are not persuasive, and the rejection of claims 10-30 is not withdrawn.

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